



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/037,107	12/29/2001	Svend Frolund	10006790-1	5957

7590

09/21/2005

## HEWLETT-PACKARD COMPANY

Intellectual Property Administration

P.O. Box 272400

Fort Collins, CO 80527-2400

EXAMINER

NGUYEN, VAN H

ART UNIT

PAPER NUMBER

2194

DATE MAILED: 09/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/037,107

Applicant(s)

FROLUND ET AL.

Examiner

VAN H. NGUYEN

Art Unit

2194

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. Claims 1-28 are presented for examination.

#### *Claim Rejections - 35 USC § 102*

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1-8, 10, 19, 20, and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by **Barry et al.** (US 6,615,258 B1).

4. As to **claim 10**, Barry teaches the invention as claimed including a computer system (*see the Abstract and col.3, lines 42-63*)) comprising:

- an application (*e.g., a report requester client application 212; col.21, lines 35-36*);
- a plurality of sub-systems (*e.g., 212, 215, 210, 250, 260; fig.10*) for having an interaction with the application (*see fig.10 and the accompanying text beginning at col.21, line 25*);
- an interceptor system (*e.g., the report manager server 250; col.21, line 50*) including:
  - a proxy having an interaction with the application and including

Art Unit: 2194

a customization control (*see the proxy discussions beginning at col.21, line 27 and col.28, line 46*);

- a plurality of customization modules (*e.g., application proxy components; col.21, line 26*) providing customizations (*e.g., customize; col.21, lines 26-27*) for a plurality of non-functional properties (*e.g., customizing data and account information; col.21, lines 27-31*) of the computer and having an interaction (*e.g., request, specify, schedule, and receive; col.21, lines 27-31*) with the proxy as controlled by the customization control; and
- a dispatcher having an interaction with the plurality customization modules and having an interaction with the plurality of sub-systems (*see fig.10 and the dispatch server 22 discussion beginning at col.21, line 50*);

- a customization repository for containing the customization modules (*see fig.10 and the database 258 discussion beginning at col.22, line 33*).

5. **As to claim 19**, the rejection of claim 10 above is incorporated herein in full. Additionally, Barry further teaches a failover operation (*see the failover and failure discussions beginning at col.59, line 49 and col.61, line 27*).

6. As to claim 24, Barry teaches additional customization modules to perform respective additional non-functional operations, the additional non-functional operations comprising performance measurement and error handling (*col.59, lines 49-61*).

7. **As to claim 20**, the rejection of claim 10 above is incorporated herein in full. Additionally, Barry further teaches at least failure masking and performance

Art Unit: 2194

measurement (*see the failover and failure discussions beginning at col.59, line 49 and col.61, line 27*).

8. As to claim 1, the rejection of claim 10 above is incorporated herein in full.

Additionally, Barry further teaches:

a service having an interaction with the customization repository (*e.g., report manager server 250; col.21, lines 50-58 and fig.10*);

a client having an interaction with the service (*e.g., a report requester client application 212; col.21, lines 25-42 and fig.10*); and

a control having an interaction with the customization repository and the service for causing customization of the service and the client by disposing the proxy of the interceptor system to interact with the application and the dispatcher of the interceptor system to interact with the sub-system (*col.3, lines 54-67 and col.10, lines 40-51*).

9. As to claim 2, Barry teaches the client has an interaction (*col.21, lines 25-43*) with the customization repository, the client responsive to the control through the service for causing customization of the service and the client by disposing the proxy of the interceptor system to interact with the application and the dispatcher of the interceptor system to interact with the sub-system (*col.21, line 66-col.7, line 8*).

10. As to claim 3, Barry teaches a customization developer system (*col.21, lines 50-55*) having an interaction with the customization repository for providing customizations thereto while the service is interacting with the client (*col.22, lines 45-47*).

11. As to claim 4, Barry teaches a plurality of customization modules (*col.21, lines 54-55*), each of the plurality of customization modules having a different customization; and wherein: the proxy includes a customization control for controlling the interaction of

Art Unit: 2194

the plurality of customization modules with the proxy (*col.3, lines 54-67*).

12. As to claim 5, Barry teaches a plurality of sub-systems (*e.g., 212, 215, 210, 250, 260; fig.10*); a plurality of customization modules (*col.21, lines 54-55*), each of the plurality of subsystems having one of the plurality of customization modules having a different function (*col.21, lines 24-31*); and a customization control for controlling the interaction of the plurality of sub-systems with the dispatcher (*col.21, lines 35-36*).

13. As to claim 6, Barry teaches the service includes a customization development interface for interacting with the control to cause a group including the service and the client to obtain a customization (*col.3, lines 42-63*).

14. As to claim 7, Barry teaches the customization module is for customization of a non-functional property of the computer system (*e.g., customizing data and account information; col.21, lines 27-31*) of the software system.

15. As to claim 8, Barry teaches the customization module is selected from, among other things, a group consisting of performance related module (*col.21, lines 6-13*).

### ***Claim Rejections - 35 USC § 103***

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2194

17. Claims 9, 11-18, 21-23, and 25-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Barry et al.** (US 6,615,258 B1) in view of **Reisman** (US 6,769,009 B1).

18. As to claim 9, the rejection of claim 10 above is incorporated herein in full. Barry, however, does not specifically teaches add the second customization module to the interceptor system while the application is running.

Reisman teaches add the second customization module to the interceptor system while the application is running (*col.29, lines 8-47*).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Reisman with Barry because Reisman's teachings would have provided the capability for enabling a user to interact with one or more services provided by remote servers and enabling the user to customize the services.

19. As to claim 26, Barry teaches the first non-functional property comprises failover control (*see the failover and failure discussions beginning at col.59, line 49 and col.61, line 27*).. (*e.g., the failover; col.59, lines 49-62*).

20. As to claim 27, Barry teaches the first non-functional property comprises error handling and the second non-functional property comprises performance measurement (*see the failover and failure discussions beginning at col.59, line 49 and col.61, line 27*).

21. As to claim 28, Barry teaches the first non-functional property comprises failure masking (*see the failover and failure discussions beginning at col.59, line 49 and col.61, line 27*).

Art Unit: 2194

22. As to claim 11, the rejection of claim 10 above is incorporated herein in full.

Barry, however, does not specifically teaches add the second customization module to the interceptor system while the application is running.

Reisman teaches add the second customization module to the interceptor system while the application is running (*col.29, lines 8-47*).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Reisman with Barry because Reisman's teachings would have provided the capability for enabling a user to interact with one or more services provided by remote servers and enabling the user to customize the services.

23. As to claim 12, Barry teaches a control for causing the proxy of the interceptor system to interact with the application and the dispatcher of the interceptor system to interact with the sub-system (*e.g., the customer interface system is an application backplane unit for controlling and managing the overall user interface system to a number of Web enabled application services; col.3, lines 54-67*).

24. As to claim 13, Barry teaches a customization developer system for developing additional customization modules (*see fig.10 and the accompanying text beginning at col.21, line 25*); and a customization repository to store the additional customization modules (*see fig.10 and the database 258 discussion beginning at col.22, line 33*), the additional customization modules in the customization repository to be communicated to the interceptor system over a link (*col.21, lines 25-49*).

25. As to claim 14, Barry teaches the proxy includes a customization control for controlling the interaction of the first and second customization modules with the proxy (*col.3, lines 54-67*).



Art Unit: 2194

26. As to claim 15, Barry teaches a plurality of sub-systems (*e.g.*, 212, 215, 210, 250, 260; *fig.10*); a plurality of customization modules (*col.21, lines 54-55*), each of the plurality of subsystems having one of the plurality of customization modules having a different function (*col.21, lines 24-31*); and a customization control for controlling the interaction of the plurality of sub-systems with the dispatcher connected to a group consisting of the application (*col.21, lines 35-36*), the proxy (*col.28, lines 50-52*), the dispatcher (*col.22, lines 45-47*), and a combination thereof.

27. As to claim 16, Barry teaches (*col.21, lines 24-31*) a service (*e.g.*, *request...account information*); a client (*e.g.*, *a client*); and wherein: the interceptor system is in the client and is responsive to the service (*col.21, lines 24-31*).

28. As to claim 17, Barry teaches the customization module is for customization of a non-functional property (*e.g.*, *customizing data and account information*; *col.21, lines 27-31*) of the software system.

29. As to claim 18, Barry teaches the customization module is selected from, among other things, a group consisting of performance related module (*col.21, lines 6-13*).

30. As to claim 21, Reisman teaches the interceptor system to enable removal of the first customization module while the application is running (*col.29, lines 8-47*).

31. As to claim 22, Barry teaches the customization provided by the first customization module comprises at least one of performance measurement and failure masking (*see the failover and failure discussions beginning at col.59, line 49 and col.61, line 27*).

Art Unit: 2194

32. As to claim 23, Barry teaches the proxy has an interface to the application; and the first customization module has a first interface to the proxy, and a second interface to the dispatcher (*see fig.10*).

33. As to claim 25, refer to the discussion of claim 9 above for rejection.

### ***Response to Arguments***

34. Applicant's arguments filed June 23, 2005 have been fully considered but they are not persuasive.

35. In the remarks, Applicant argued in substance that (a) add a customization module to an interceptor system while the application is running; (b) there is no indication that database 258 stores the customization module that is part of the interceptor; and (c) Barry does not perform a failover operation; and (d) Barry does not perform failure masking and performance measurement.

36. Examiner respectfully traverses Applicant's remarks.

(i) As to point (a), the newly added limitation "add a customization module to an interceptor system while the application is running" is met by Reisman as discussed in the rejection above.

(ii) As to point (b), Berry's database does store customization modules for customizing the services (*see fig.10 and the database 258 discussion beginning at col.22, line 33*).

Art Unit: 2194

(iii) As to point (c), Barry teaches the newly added limitation “a failover operation” (*see the failover and failure discussions beginning at col.59, line 49 and col.61, line 27*).

(iv) As to point (d), Barry teaches the newly added limitation “at least failure masking and performance measurement” (*see the failover and failure discussions beginning at col.59, line 49 and col.61, line 27*).

### ***Conclusion***

37. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

38. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

39. Any inquiry or a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: (571) 272-2100.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to VAN H. NGUYEN whose telephone number is (571)

Art Unit: 2194

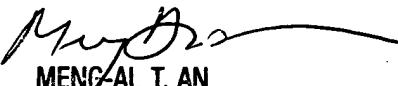
272-3765. The examiner can normally be reached on Monday-Thursday from 8:30AM – 6:00PM. The examiner can also be reached on alternative Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Meng-Ai An can be reached on (571) 272-3756.

The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**Any response to this action should be mailed to:**  
**Commissioner for patents**  
**P O Box 1450**  
**Alexandria, VA 22313-1450**

  
**MENG-AL T. AN**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2100**